

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:92CR14
)	
v.)	
)	
CHRISTOPHER SCOTT,)	MEMORANDUM OPINION
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion (Filing No. 1078) for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2). This motion seeks a modification of defendant's sentence premised on the recent decision of the United States Sentencing Commission which made retroactive the modifications of sentences for crack cocaine incorporated into the November 1, 2007, sentencing guidelines.

The defendant was sentenced to a term of life imprisonment on July 26, 1993, after having been found guilty of a violation of 21, U.S.C. § 848(b), a continuing criminal enterprise. This determination of guilt was made by the jury pursuant to instructions which track the provisions of 21 U.S.C. § 848(b). As the Court noted in its sentencing memorandum of July 23, 1993 (Filing No. 732), the amount of crack cocaine substantially exceeded 1.5 kilograms, which constituted the basis for the determination that under the statute, a life sentence was mandated.

The recent changes in the United States Sentencing Guidelines with respect to the offense levels for crack cocaine do not implicate the determination of defendant's sentence under the continuing criminal enterprise statute. For these reasons, defendant's motion will be denied. A separate order will be entered in accordance with this memorandum opinion.

DATED this 2nd day of January, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court